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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,503	09/05/2003	Rolf Dessauer	200310119-1	8341
22879 7590 10/09/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				
EXAMINER ANGEBRANDT, MARTIN J				
ART UNIT		PAPER NUMBER		
1795				
NOTIFICATION DATE		DELIVERY MODE		
10/09/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/656,503	Applicant(s) DESSAUER, ROLF
Examiner Martin J. Angebrannt	Art Unit 1795

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: none.
Claim(s) objected to: none.
Claim(s) rejected: 1-25, 33-36 and 38-41.
Claim(s) withdrawn from consideration: 26-32.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Martin J Angebrannt/
Primary Examiner, Art Unit 1795

Continuation of 11, does NOT place the application in condition for allowance because: The applicant's phthalocyanine precursors are evidenced to be converted to a the phthalocyanine at a temperature of 200 degrees C (4/38-45 of US 2772284), while those of RD 39219 and JP 58-008357 are taught to undergo the change at 100-150 degrees C. The claimed medium requires an NIR absorber (not the laser) and direction to this is provided in DR39219 to facilitate the use of laser/light rather than a thermal head to cause the color change. These references do not teach specific light to heat conversion materials or amounts thereof, and on this basis it is reasonable for one skilled in the art to look to analogous art such as Kawauchi and Satake which describe NIR light to heat conversion materials and useful amounts thereof. As these materials have a demonstrated thermal sensitivity higher than that of the materials disclosed in the instant specification, there is a reasonable expectation that with an equivalent amount of IR absorber they would have a similar higher sensitivity in response to light. The applicant argues that the materials of 2772284 are much less sensitive than those of the instant application. This is a valid point, and example 6 of 2772284 teaches a the heating of the leuco dye in the presence of ascorbic acid (a reducing agent) at 100 degrees for 15 minutes. Unfortunately this comparison is not a direct comparison as it occurs in solution. If the applicant has any data regarding the thermal sensitivity of the composition of example 1 of the instant application, the applicant could have a basis for arguing that the inventive composition has an increased sensitivity over those of the prior art. The applicant's representative mistakes the examiner's statements regarding the quality of the showing of the applicant in attempting to obviate the rejection for a 112 issue. They are different. The issue of hindsight reconstruction is undecut by the direction to the use of a laser form the coloration in RD 39219. (there is no rejection solely over RD 39219 and JP 58-008357). The thermal responsivity taught by RD 39219 and JP 58-008357 address the sensitivity issues raised by the applicant. With respect to the arguments relating to Boggs et al., fail to account for the direction to binders in RD 39219 and the recitation of cellulosic and other binders including cellulose acetate and its derivatives and polyvinyl butyral on page 8 of the translation of JP 58-008357 which overlap with those taught by Boggs et al.

/Martin J Angebrannt/
Primary Examiner, Art Unit 1795